

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF NEW YORK

U.S. DISTRICT COURT

W. N. Y.
FILED

FILE ON DEMAND CASE NO: 1:16-CV-~~SEP490~~²⁰¹⁷

Court Clerk:

LAWRENCE K. BAERMAN, CLERK
ALBANY

FAILURE TO FILE IN THIS CASE WILL BE CONSIDERED FELONY RESCUE

COMES NOW THE GRAND JURY TO DEMAND that, the clerk performs only a ministerial function that the clerks not perform any tribunal functions, and that the clerk file the attached documents. Any clerk who fails to obey the law shall be prosecuted to the fullest extent of the law. Any attorney or judge advising or intimidating clerks to violate the law will also be prosecuted to the fullest extent of the law. Clerks, attorneys, judges and other officers of the court are expected to know the law. **18 USC §2076** Whoever, being a clerk willfully refuses or neglects to make or forward any report, certificate, statement, or document as required by law, shall be fined under this title or imprisoned not more than one year, or both. A judges demand to remove or conceal is not the law.

The Constitution, and the laws of the United States shall be the **SUPREME LAW OF THE LAND**; and the judges in every state shall be bound thereby. - **United States Constitution Article VI**. Violations are Criminal felony offenses pursuant to **18 USC §241, §242, §1951, §2071** and others. Anyone who is aware of a felony offense being committed by any Public Official, in violation of the Constitution, is mandated to report it under **18 USC §4** - Misprision of felony:

18 USC §1512 (b) Whoever [Judges] knowingly uses intimidation, threatens, or corruptly persuades another person, or attempts to do so, or engages in misleading conduct toward another person, with intent to - (1) influence, delay, or prevent the testimony of any person in an official proceeding; (2) cause or induce any person to - (A) withhold testimony, or withhold a record, document, or other object, from an official proceeding; (B) alter, destroy, mutilate, or conceal an object with intent to impair the object's integrity or availability for use in an official proceeding; ... shall be fined under this title or imprisoned not more than 20 years, or both. (3) ... (c) Whoever corruptly-(1) alters, destroys, mutilates, or conceals a record, document, or other object, or attempts to do so, with the intent to impair the object's integrity or availability for use in an official proceeding; or (2) otherwise obstructs, influences, or impedes any official proceeding, or attempts to do so, shall be fined under this title or imprisoned not more than 20 years, or both.

18 USC § 2071 Concealment, removal, or mutilation generally (a) Whoever willfully and unlawfully conceals, removes, mutilates, obliterates, or destroys, or attempts to do so, or, with intent to do so takes and carries away any record, proceeding, map, book, paper, document, or other thing, filed or deposited with any clerk or officer of any court of the United States, or in any public office, or with any judicial or public officer of the United States, shall be fined under this title or imprisoned not more than three years, or both. (b) Whoever, having the custody of any such record, proceeding, map, book, document, paper, or other thing, willfully and unlawfully conceals, removes, mutilates, obliterates, falsifies, or destroys the same, shall be fined under this title or imprisoned not more than three years, or both; and shall forfeit his office and be disqualified from holding any office under the United States...

§175.25 A person is guilty of tampering with public records in the first degree when, knowing that (s)he does not have the authority of anyone entitled to grant it, and with intent to defraud, he knowingly removes, mutilates, destroys, conceals, makes a false entry in or falsely alters any record or other written instrument filed with, deposited in, or otherwise constituting a record of a public office or public servant. Tampering with public records in the first degree is a class D felony.

§175.05 Falsifying public records in the second degree is a class A misdemeanor. A person is guilty of falsifying public records in the second degree when, with intent to defraud, he: Makes or causes a false entry in the public records; or alters, erases, obliterates, deletes, removes or destroys a true entry in the public records; or Omits to make a true entry in the public records in violation of a duty to do so which he knows to be imposed upon him by law or by the nature of his position; or Prevents the making of a true entry or causes the omission thereof in the public records.

§175.10 Falsifying public records in the first degree. A person is guilty of falsifying public records in the first degree when he commits the crime of falsifying public records in the second degree, and when his intent to defraud includes an intent to commit another crime or to aid or conceal the commission thereof.

§175.20 Tampering with public records in the second degree. A person is guilty of tampering with public records in the second degree when, knowing that he does not have the authority of anyone entitled to grant it, he knowingly removes, mutilates, destroys, conceals, makes a false entry in or falsely alters any record or other written instrument filed with, deposited in, or otherwise constituting a record of a public office or public servant. Tampering with public records in the second degree is a Class A misdemeanor.

**UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF NEW YORK**

• 445 Broadway; Albany, NY. 12207-2936 •

Unified United States Common Law Grand Jury;
5 P.O. Box 59, Valhalla, NY 10595; Fax: (888) 891-8977.

Sureties of the Peace

AL, AK, AZ, AR, CA, CO, CT, DE, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY;

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Grand Jury, Sovereigns of the Court

We the People

- Against -

Lawrence E. Kahn

Defendant(s)

Case NO: 1:16-CV-1490

Magistrate: Daniel J. Stewart

**WRIT MANDAMUS
SHOW CAUSE OR ACT**

15 Magistrate Daniel J. Stewart is commanded to Take Judicial Notice¹ of the following and

is commanded to Act or Show Cause by what Authority you have not acted. We the

People in this court of record do accept Magistrate Daniel J. Stewart's bond and oath.

"Silence [or failure to act] can only be equated with fraud where there is a legal or moral duty to speak, or where an inquiry left unanswered would be intentionally misleading..."²

"It is the duty of the courts to be watchful for the Constitutional rights of the citizen and against any stealthy encroachments thereon."³

¹ JUDICIAL COGNIZANCE. Judicial notice, or knowledge upon which a judge is bound to act without having it proved in evidence. Black's Law, 5th Edition. Jurisdiction is the authority by which courts and judicial officers take cognizance of and decide cases. Board of Trustees of Firemen's Relief and Pension Fund of City of Marietta v. Brooks, 179 Okl. 600, 67 P.2d 4, 6; Morrow v. Corbin, 122 Tex. 553, 62 S.W.2d 641; State v. Barnett, 110 Vt. 221, 3 A.2d 521, 526; JUDICIAL NOTICE. The act by which a court, in conducting a trial, or framing its decision, will, of its own motion, and without the production of evidence, recognize the existence and truth of certain facts, having a bearing on the controversy at bar, which, from their nature, are not properly the subject of testimony, or which are universally regarded as established by common notoriety, e. g., the laws of the state, international law, historical events, the constitution and course of nature, main geographical features, etc. North Hempstead v. Gregory, 53 App.Div. 350, 65 N.Y.S. 867; State v. Main, 69 Conn. 123, 37 A. 80, 36 L.R. A. 623, 61 Am.St.Rep. 30.

² U.S. v. Tweel, 550 F.2d 297, 299. See also U.S. v. Prudden, 424 F.2d 1021, 1032; Carmine v. Bowen, 64 A. 932.

³ Boyd v. United States, 116 U.S. 616, 635.

WRIT MANDAMUS

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"It will be an evil day for American Liberty if the theory of a government outside supreme law finds lodgment in our constitutional jurisprudence. No higher duty rests upon this Court than to exert its full authority to prevent all violations of the principles of the Constitution."⁴

25 "We (judges) have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be treason to the Constitution."⁵

30 **MAGISTRATE DANIEL J. STEWART IS TO TAKE
JUDICIAL NOTICE⁶ OF ADJUDICATIVE FACTS⁷**

35 **LAWRENCE E. KAHN LIED AND COLLUDED TO DISMISS THIS CASE** - In the unlawful dismissal [US Judge] Lawrence E. Kahn's, hereinafter "Dishonorable Lawrence E. Kahn" claimed that on April 19, 2017, the federal defendants in this case asked the Court, via a "letter motion", to "dismiss the case on the ground that Plaintiff, as an apparently unincorporated organization, cannot proceed without counsel". Via "Letter Motion". Whereas We the People did not receive a "NOTICE OF MOTION" nor were We the People notified of any hearing concerning the same. Furthermore, there is no such thing as a "letter motion", we find no definition of the same in the Federal Rules, Bouvier's or Blacks Law dictionary, nor did said "letter motion" satisfy Rule 12.1.

40 As per Federal Rule 12.1 Motions and Other Papers; in order for an individual to move the court a formal "NOTICE OF MOTION" must be:

- 1) served upon the other parties no less than **THIRTY-ONE CALENDAR DAYS** prior to the return date of the motion.
- 2) have a return date.
- 3) moving party must specifically articulate the relief requested.
- 4) must set forth a factual basis which, "**IF PROVEN TRUE**", would entitle the moving party to the requested relief.

⁴ Downs v. Bidwell, 182 U.S. 244 (1901).

⁵ Cohen v. Virginia, (1821), 6 Wheat. 264 and U.S. v. Will, 449 U.S. 200.

⁶ **Judicial Notice of Adjudicative Rule 201 Facts (2)(c)(2) Taking Notice:** The court: must take judicial notice if a party requests it and the court is supplied with the necessary information.

⁷ **Adjudicative Fact:** A fact that is either legally operative or even so important as to be controlling on some question of law. **Adjudicative facts** are those which concern the parties to some dispute and are helpful in determining the proper outcome in the case.

- 5) We the People must have the opportunity to file opposing papers.
- 6) a certificate of service is required at the conclusion of the motion.

50 We the People were not served with a 31 day notice with a return date, the moving party did not set forth and prove any factual basis, We the People were given no opportunity to file opposing papers and no certificate of service was provided. Therefore, no Motion was made and it is obvious that the defense lawyer(s) colluded, via a wink, a nod and a letter, with the Dishonorable Lawrence E. Kahn to commit felony-rescue.

55 We the People are not an organization; we are the self-impaneled Grand Jury no different than the first known recorded self-impaneled grand Jury in 1215 that required Justice through the Magna Carta. And whom, from time to time, empaneled themselves but were more usually empaneled by the Coroner or Sheriff. In the last few decades the minions of the court a/k/a bar-lawyers have seized control of our Judiciary and subverted our Article 60 III Courts.

We the People are no different than the People who dissolved our political bands with Britain through the Declaration of Independence.

We the People are no different than We the People who "*Ordained and Established the Constitution for the United States of America*".

65 We the People are those whose names are on every criminal complaint sanctioned by the Grand Jury since the inception of our Nation and before. We the People are the People of the 5th Amendment a/k/a the Grand Jury. We the People are the People of the 6th Amendment a/k/a the Jury. We the People are the People of the Kings Bench; this is "OUR COURT" and not the Dishonorable Lawrence E. Kahn's court, nor any other judge or magistrate.

70 The Dishonorable Lawrence E. Kahn stated that "*the court*⁸ *may sua sponte dismiss an action*". Whereas, this is not the Dishonorable Lawrence E. Kahn's court it's We the Peoples' (Jury's) court. Summary proceedings⁹ are not permitted in a court of record.

⁸ Black's Law defines a Court as "*the person and suit of the sovereign; the place where the sovereign sojourns with his regal retinue, wherever that may be.; An agency of the sovereign created by it directly or indirectly under its authority, consisting of one or more officers, established and maintained for the purpose of hearing and determining issues of law and fact regarding legal rights and alleged violations thereof, and of applying the sanctions of the law, authorized to exercise its powers in the course of law at times and places previously determined by lawful authority.*" - *Isbill v. Stovall*, Tex.Civ.App., 92 S.W.2d 1067, 1070.

75 "As to the construction, with reference to Common Law, an important canon of construction is that constitutions must be construed to reference to the Common Law." The Common Law, so permitted destruction of the abatement of nuisances by summary proceedings and it was never supposed that a constitutional provision was intended to interfere with this established principle and although there is no common law of the United States in a sense of a national customary law as distinguished from the common law of England, adopted in the several states. In interpreting the Federal Constitution, recourse may still be had to the aid of the Common Law of England. It has been said that without reference to the common law, the language of the Federal Constitution could not be understood." -- 16Am Jur 2d., Sec. 114

80 85 The Dishonorable Lawrence E. Kahn cannot second guess the Jury. All judges are magistrates in a court of record whose only duty is to administer the will of the Jury not his own. A judge may act SUA SPONTE only when he is the lone jurist in an equity court. Whereas, this is a court of Law, a/k/a a Court of Record, not an equity court.

90 90 On June 14, 2017, Dishonorable Lawrence E. Kahn acting under the color of law committed fraud on the court by conspiring with others to fraudulently remove documents through an unlawful order stating for his cause to dismiss.

95 "If Plaintiff does not obtain counsel to represent it within thirty days, the action shall be dismissed with prejudice." See decision and order dated June 14, 2017, filed with the court.

100 95 Whereas, we had already made it clear on May 11, 2017 that;

100 "We will call upon Attorney General Sessions to send U.S. Prosecutors ... to prosecute our indictments in this Court of Record, which will be the beginning of restoring Justice in our courts." See Information Brief Clarifying this Extraordinary Proceeding dated May 11, 2017, filed with the court.

100 On June 19, 2017, We the People through the Grand Jury filed a "Writ of Error" with this court which clearly stated:

100 "The U.S. Attorney General will be providing U.S. Prosecutors or approve a special common law prosecutor." See "Writ of Error" dated June 14, 2017, filed with the court.

⁹ **Summary proceeding:** [Blacks 4th] "Any proceeding by which a controversy is settled, case disposed of, or trial conducted, in a prompt and simple manner, without the aid of a jury, without presentment or indictment, or in other respects out of the regular course of the common law." -- Sweet see Phillips v. Phillips, 8 N.J.L. 122.

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LAWRENCE E. KAHN IS IN BAD BEHAVIOR AND IS THEREFORE NO LONGER A U.S. DISTRICT JUDGE

“The judges, both of the supreme and inferior courts, shall hold their offices during good behavior...” -- U.S Constitution Article III Section 1.

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OBEDIENCE TO THE LAW OF THE LAND IS GOOD BEHAVIOR - *“This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.”* -- U.S. Constitution Article VI

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On July 17, 2017, a true bill of indictment was filed by the Grand Jury against Dishonorable Lawrence E. Kahn for acting under Color of Law in an attempt to seize control of this court in order to cover-up crimes and was charged with Concealment, Felony Rescue, Trespassed upon the case, Denial of due process, Manufacturing an Unlawful Order and Aiding and Abetting.

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MAGISTRATE DANIEL J. STEWART IS TO TAKE JUDICIAL NOTICE OF THE PURPOSE OF THIS EXTRAORDINARY PROCEEDING

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On December 13, 2016, We the People filed a Memorandum of Facts that proved the Power and Authority of We the People which is being exercised through the Unified United States Common Law Grand Jury. This Grand Jury was overwhelmingly unified by re-constituting Common Law Grand Juries in all 3,133 United States counties and is composed of thousands of People. The purpose of this Grand Jury is to bring to Justice subverts both foreign and domestic acting under color of law within our governments. This Grand Jury will remain in session until we secure the nation from the tyrants at large and reinstate our Constitution within our courts.

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On January 5, 2017, We the People filed a Judicial Notice concerning this Extraordinary Process concluding that this is a case concerning subversion by enemies both foreign and domestic within our government, including our federal judiciary. We the People have reported these subversions over the past year in all ninety-four federal district courts through “Informations” and the federal judiciary has not acted upon them. We the People

over the past year have served writs upon all servants within our federal government demanding obedience to the Law of the Land and have filed said writs in all ninety-four federal district courts and the response has been a deafening silence as our elected servants continue in their lawlessness.

140 On January 9, 2017, We the People filed a Memorandum of Law in Support of Authority of the Grand Jury concluding that: We the People ordained and established the Constitution for the United States of America. We the People vested Congress with statute making powers. We the People defined and limited that power of statute making. We the People limited law making powers to ourselves alone. We the People did not vest the Judiciary with law making powers. We the People are the *“judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of common law.”*

145 On January 9, 2017, We the People filed a Memorandum of Law concerning Jury Tampering & Stacking concluding that the “Federal Trial Handbook” tampers with the jury and robs We the Peoples sovereign right to judge and that the federal questionnaire for Jurists, which asks many inappropriate questions has become a tool for trial judges and prosecutors to profile and stack the jury for favorable results for political favors and is therefore destructive to Liberty.

150 On January 9, 2017, We the People filed a Memorandum of Law in Support of Article III Courts concluding that Congress has been given power to create only Article III Courts of Record and equity courts ruled by American Jurisprudence; a/k/a “United States District Court for the District”. These courts proceed under the rules of Common Law and all judges are bound to the law of the land and hold office ONLY WHEN THEY ARE OBEDIENT TO THE LAW OF THE LAND.

155 On January 9, 2017, We the People filed a Memorandum of Law In Support of Understanding Our Founding Documents concluding that the reading of the Federalist papers and the Anti Federalists papers bear absolute proof that the Constitution is not moot and was written by ordinary men with ordinary common sense meaning simply what it says; needing no BAR interpreter whose job it is to spread confusion and destroy the Constitution.

160 On January 13, 2017, We the People filed a Memorandum of Law in Support of Jurisdiction concluding that “All Article III courts are courts of record and are to proceed

WRIT MANDAMUS

under the rules of common law. Common law is nature's law ordained by God. Constitutions are an unalienable right ordained by sovereign People. Legislators are bound by the chains of the Constitution and have no authority to create governments or write laws outside those bonds. Any judge resting in fiction of law proceeds under the color of law and losses all immunity. Decisions of such an inferior court are subject to collateral attack. In other words, in a superior court one may sue an inferior court directly, rather than resort to appeal to an appellate court.

170 175 On March 1, 2017, We the People filed a Memorandum of Law in Support of Amendment II which is an unalienable right that has demonstrated throughout history it's necessity of "A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."

180 185 On April 17, 2017 We the People filed a Memorandum of Law in Support of the Common Law concluding that We the Sovereign People have unalienable rights under the Laws of Natures God, a/k/a Common Law. We the People are not bound by statutes, codes or regulations. Congress has no authority to codify and license our rights and no court has the authority to enforce such repugnant statutes. Any judge restraining said rights is in bad behavior and will in due time suffer the wrath of the People through indictments and judgments in Courts of Justice.

190 On April 17, 2017, We the People filed a Memorandum of Law in Support of Standing concluding that We the Sovereign People provided for ourselves, through the Constitution, Courts of Justice called Article III Courts, where We the People have Standing whether we are one or a thousand. Since Congress doesn't have the backbone to start removing these seditious judges, acting in bad behavior, through impeachment for robbing the People of their Standing, due process and Article III Courts of Record, they will in due time suffer the wrath of We the Sovereign People through indictments and judgments in Courts of Record.

195 It has been our experience that both the Federal and State Judiciaries are at war with the Constitution and We the People, and are actively engaged in covering up subversion, murder, torture, manipulating evidence and RICO on a national level.

200

**MAGISTRATE DANIEL J. STEWART
IS TO BE COGNIZANT THAT:**

205 *"If anyone has been dispossessed without the legal judgment of his peers, from his lands, homes, franchises, or from his right, we will immediately restore them to him; and if a dispute arise over this, then it will be decided by the five and twenty jurors of whom mention is made below in the clause for securing the peace. Moreover, for all those possessions, from which anyone has, without the lawful judgment of his peers, been disseized or removed by our government, we will immediately grant full justice therein."* - Magna Carta Paragraph 52.

210 It has been **We the Peoples'** experience that lawyers claim they do not understand our papers and advise their victims to ignore our papers while judges mislabel or conceal our papers and place the clerks in jeopardy. In both cases, the aforesaid are crimes in which judges and lawyers believe they are safe from justice by hiding behind the fiction. We follow the rules of the court and forms as much as possible and we use the language of our founding fathers, the U.S. Supreme Court, U.S. Constitution, Bill of Rights, Declaration of Independence, and the principles of the common law all of which are the Law of the Land.

215 So, if you never learned these things in school, please be advised that ignorance of the law is no excuse. Judges, magistrates and lawyers are expected to know the Law.

220 **We the People** are not naive concerning the ploys of the lawless judiciary and have therefore filed this action not only in the Northern Federal District of New York but also with the United States Congress, United States Senate, United States Attorney General's Office, President Trump and most importantly, **We the People**, via the internet. And, if necessary, we will move this case to another Federal District for Action. In time, Justice will prevail and **We the People** will take back OUR courts.

225 If Magistrate Daniel J. Stewart continues in his silence (fraud), we will conclude that he is complicit with the Tyrant, the "Dishonorable Lawrence E. Kahn", in subversion against the United States of America. Whereas, failure to respond within twenty days will result in bringing this issue before the Grand Jury for indictment.

JUSTICE "TRUMPS" FORM

230 **IN CONCLUSION**, it is the duty of Magistrate Daniel J. Stewart to advise the Grand Jury in any of its short-comings concerning its form, understanding that in the interest of Justice content prevails over form and that in the end Justice **MUST BE SERVED**.

235 **WHEREFORE**, Magistrate Daniel J. Stewart thus far has failed to act and administrate his duties and **We the People** now command Magistrate Daniel J. Stewart to obey the Law of the Land and act upon the following immediately or show cause by what authority you do not act:

Correct the fraudulent order by Dishonorable Lawrence E. Kahn to dismiss and reinstate in the interest of Justice under Rule 41 or show cause by what authority you do not act.

240 Sign and enter into the record the default by Governor A. Cuomo, N.Y.S. Senate Majority Leader John J. Flanagan and N.Y.S. Assembly, Speaker Carl E. Heastie; Defendants and return three copies or show cause by what authority you do not act.

Dated: September 8, 2017

245 **SEAL**



Grand Jury Foreman

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Common Law Grand Jury
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LAWRENCE K. BAERMAN, CLERK
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